

MINUTE ITEM

This Calendar Item No. 002
was approved as Minute Item
No. 2 by the State Lands
Commission by a vote of 3
to 0 at its 2/23/84
meeting.

CALENDAR ITEM

C 0 2 4

2/23/84
WP 3968
Maricle

AMENDMENT OF GENERAL PERMIT -
PUBLIC AGENCY USE

APPLICANT: Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, California 95118
Attention: Mr. Donald Lawrie, Chief
Real Estate Division

AREA, TYPE LAND AND LOCATION:
Undetermined acreage, Guadalupe River,
sometimes called "Alviso Slough", Alviso
District, San Jose, Santa Clara County.

LAND USE: Flood control channel and levee construction
use and maintenance.

TERMS OF ORIGINAL PERMIT:

Initial period: 49 years from June 19,
1968.

Original Permit Approval: June 19, 1968,
Minute Item 6.

Approved Use: Flood control channel.

Consideration: Public benefit.

TERMS OF PROPOSED AMENDMENT:

Addition of a strip of land, as Parcel
Two of the Permit, for the construction
and maintenance of levee facilities, for
flood protection purposes.

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CONSIDERATION: Public benefit.

BASIS FOR CONSIDERATION:
Pursuant to 2 Cal. Adm. Code 2003.

APPLICANT STATUS:
Applicant is owner and permittee of various upland parcels.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:
Filing fee has been received.

STATUTORY AND OTHER REFERENCES:
A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

AB 884: 3/10/84.

OTHER PERTINENT INFORMATION:

1. The existing permit allows for the use of a flood control channel, operated and maintained by the Santa Clara Valley Water District, formerly known as the Santa Clara County Flood Control and Water Conservation District.
2. The current project consists primarily of raising and widening an existing levee between the County Marina and the Southern Pacific Railroad tracks in combination with building a new cutoff levee near the west end of Mill Street to help protect the community of Alviso from fresh water or tidal flooding from Guadalupe River.
3. The adjacent flood channel and proposed levee facilities will both serve flood protection purposes. Both facilities have been combined into one document, for administrative convenience, in the proposed amendment.

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4. Land titles are unsettled within the project location, and the proposed authorization will provide for Commission consent as to those lands in which the Commission may have an interest. For this reason, the staff believes it is appropriate to waive processing fees.
5. The applicant was granted advance permission to proceed with levee construction under emergency procedures, by letter dated September 15, 1983. The proposed amendment is effective as of that date.
6. The annual rental value of the site cannot be presently determined.
7. Pursuant to CEQA and the State CEQA Guidelines, a Negative Declaration was prepared and adopted for this project by the applicant. The State Lands Commission's staff has reviewed the document and believes that it complies with the requirements of the California Environmental Quality Act (CEQA).
8. The project is situated on lands identified as possessing significant environmental values pursuant to P.R.C. 6370.1 and is classified in a use category "B" which authorizes Limited Use. The project as proposed will not have a significant effect upon the identified environmental values.

APPROVALS OBTAINED:

United States Army Corps of Engineers;
San Francisco Bay and Conservation Development
Commission; United States Fish and Wildlife;
City of San Jose; County of Santa Clara.

EXHIBITS:

- A. Land Description.
- B. Location Map.
- C. Negative Declaration Summary.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT A NEGATIVE DECLARATION HAS BEEN PREPARED AND ADOPTED FOR THIS PROJECT BY THE SANTA CLARA VALLEY

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WATER DISTRICT AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED IT.

2. FIND THAT THE PROJECT IS CONSISTENT WITH THE LAND'S USE CLASSIFICATION, PURSUANT TO P.R.C. 6370.1.
3. DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
4. WAIVE THE STANDARD PROCESSING FEE.
5. AUTHORIZE ISSUANCE TO THE SANTA CLARA VALLEY WATER DISTRICT (FORMERLY KNOWN AS THE SANTA CLARA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT), OF AN AMENDMENT TO PERMIT PRC 3968.9, EFFECTIVE SEPTEMBER 15, 1983; IN CONSIDERATION OF THE PUBLIC BENEFIT, FOR THE CONSTRUCTION, USE, AND MAINTENANCE OF LEVEE IMPROVEMENTS WITHIN PARCEL 2 OF THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

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EXHIBIT "A"

LAND DESCRIPTION

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All that certain real property situate in the City of San Jose (Alviso), County of Santa Clara, State of California, described as follows:

PARCEL 1

COMMENCING at the centerline intersection of El Dorado Street and Taylor Street, formerly Dimmick Street, as shown on the Map entitled "Plan of the Western Section of Alviso" recorded in Vol. A of Maps at page 45 in said Santa Clara County Records; thence along said centerline of Taylor Street N 89° 03' 10" W 40.00 feet; thence leaving said line along the westerly line of said El Dorado Street S 0° 56' 50" W 274.45 feet to the TRUE POINT OF BEGINNING; thence along said westerly line of El Dorado Street and its prolongation S 0° 56' 50" W 537.75 feet; thence leaving said line S 50° 24' 28" E 28.61 feet; thence along a tangent curve to the left with a radius of 559.98 feet, through a central angle of 29° 00', for an arc distance of 283.43 feet; thence S 10° 04' 54" W 480.02 feet; thence N 78° 15' 05" W 105.13 feet; thence along a tangent curve to the right with a radius of 845.00 feet, through a central angle of 68° 25' 24", for an arc distance of 1009.11 feet; thence N 9° 49' 41" W 58.91 feet; thence N 23° 01' 10" W 437.30 feet; thence N 23° 01' 10" W 251.14 feet; thence, along the prolongation of the southerly line of Taylor Street, S 89° 03' 10" E 576.61 feet; thence leaving said line, along the following five courses; S 59° 02' 10" E 46.95 feet, S 45° 44' 04" E 110.32 feet, S 62° 23' 36" E 123.00 feet, S 43° 36' 10" E 58.00 feet, and S 20° 51' 16" E 41.74 feet to the point of beginning.

Bearings are based on the California Coordinate System, Zone 3.

PARCEL 2

All that State-owned land within the project area shown on Sheets 4 and 5 of the "Map and Construction Plan for Guadalupe River, County Marina to S.P.R.R., Santa Clara Valley Water District, Project No. 3015", dated July 11, 1983, said Map and Construction Plan being on file with the State Lands Commission with identification No. CMF 2901.

END OF DESCRIPTION

REVISED NOVEMBER 28, 1983 BY BOUNDARY AND TITLE UNIT, LEROY WEED, SUPERVISOR.

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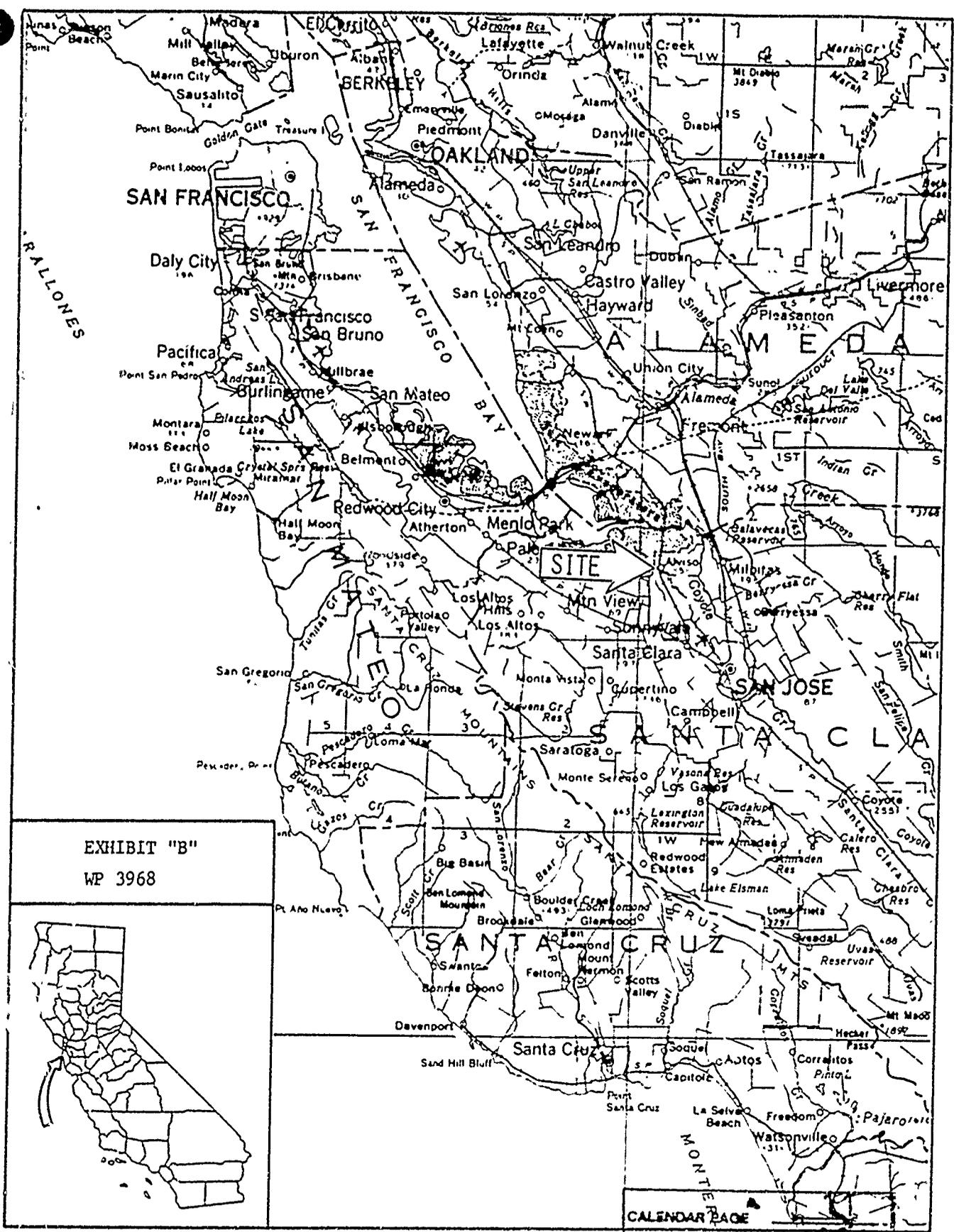


EXHIBIT "B"
WP 3968



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NEGATIVE DECLARATION

EXHIBIT "C"

WP 3968

Project

Guadalupe River flood control project.

Location

Along the Guadalupe River adjacent to Alviso, from the County Marina to the Southern Pacific Railroad, City of San Jose.

Purpose

The purpose of the proposed project is to protect the community of Alviso from freshwater or tidal flooding by the Guadalupe River. It will act, in conjunction with proposed projects upstream on the Guadalupe River and the ring levee around the north, east and south sides of Alviso (under study by the City), to protect the community from the one percent flood.

Description of the Proposed Project

The flood control modifications consist of raising and strengthening the existing levee between the County Marina and the Southern Pacific Railroad in combination with construction of a new cutoff levee near the west end of Mill Street, construction of a retaining wall to protect one of the historic cannery buildings, a floodwall to protect the former Union Warehouse (Old Ice House) and relocation of the South Bay Yacht Club to allow for levee improvements. The proposed project is labeled Alternative D1 in the Engineer's Report and Initial Environmental Study

Findings

Based on an Initial Study pursuant to Section 15080 of State CEQA Guidelines, staff has determined that the proposed project would not have a substantial (significant) adverse effect on the environment; consequently, a Negative Declaration is the appropriate finding.

Basis of Findings

Most of the adverse impacts would result from temporary construction activities and are, therefore, considered minor. These include generation of dust and increased vehicular emissions, soil disruption and compaction, generation of noise, minor disruption of traffic at several intersections, and inhibited access to authorized boat moorings and the public dock at Catherine Street. In addition, several minor longer-term impacts would result. These include minor additional flood flow into the salt ponds

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EXHIBIT "C"

during rare flood events, construction disturbance and filling a limited area of upland vegetation between the railroad and existing levee (not considered significant wildlife habitat), covering 0.8 acres of the Wildlife Refuge peninsula property, minor displacement of currently vacant private property and minor additions of impervious surface.

It should also be noted that, in addition to the stated flood control objective, the proposed project may offer several beneficial impacts. It will not provide additional flood protection to the Wildlife Refuge peninsula property (2.3 acres). However, land use decisions regarding this area have not yet been made. If the area is to be used for visitor-serving recreational facilities or as a site for future marsh restoration, then the proposed project enhances the opportunity for restoration and improves vistas to the salt marshes and Bay. If this area is to remain for storage and maintenance, then the proposed project offers relatively little change from the present conditions.

The proposed design will also allow users of the South Bay recreational trail closer access to the salt marsh by maintaining open pedestrian and vehicular access along the levees.

To mitigate the minor impacts noted above and ensure that any potential risks are minimized, the following measures will be implemented:

<u>Potential Impact</u>	<u>Recommended Mitigation Measures</u>
Erosion Potential	Channel slope protection and reseeding as needed
Seismic Risks	Design new structures to suitable seismic design criteria
Particulates from Construction	Wet disturbed surfaces
Habitat Reduction	Avoid construction activity on the channel side of levees below Elevation 7 NGVD
Disrupt access to authorized boat moorings	Provide temporary ramps and stairways
Disruption of public dock at Catherine Street	Construct diagonal ramp up to top of levee to retain access
Interrupt roadway circulation	Maintain emergency vehicle access and permanent maintenance access

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Potential Impact

Recommended Mitigation Measures

Risks to historic structures

Construct floodwall segments at the Cannery Complex and Old Union Warehouse to protect them

Blocking Intersection at Hope and Taylor Streets

Maintain adequate detour route during construction

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